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April 10, 2014

VIA ECF AND FAX

Hon. George B. Daniels
United States District Judge
United States District Court
for the Southern District of New York
500 Pearl Street
New York, New York 10007-1312

Re: *Sokolow, et al. v. Palestinian Liberation Organization, et al.*
Docket No. 04-CV-397 (GBD)(RLE)

Dear Judge Daniels:

I write in anticipation of the conference scheduled for tomorrow, April 11, 2014.

In addition to defendants' motion for reconsideration, there are several issues pending before the Court. For Your Honor's convenience, we list them here.

1. **Confidentiality of the Joint Pretrial Order.** The parties have submitted correspondence to the Court concerning defendants' request that the Joint Pretrial Order not be maintained as confidential. These letters have not been docketed.
2. **Confidentiality of the Opposition to the Motion for Reconsideration.** The parties have submitted correspondence to the Court concerning defendants' letter-motion seeking confidential treatment of Plaintiffs' Opposition to the Motion for Reconsideration. Defendants' letters have not been docketed. Plaintiffs have filed their letters in redacted form. DE 454, 455.
3. **Process for Resolving Authenticity and Hearsay Objections By Defendants to Their Own Documents.** As the Court instructed, plaintiffs asked defendants to stipulate to the authenticity and foundation for trial exhibits that came from defendants' own files. Defendants refused to stipulate to the authenticity of a single one of the exhibits, refused to withdraw even a single hearsay objection, and failed to provide any reasonable explanation of

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their position. Plaintiffs have therefore submitted a motion asking that the Court overrule defendants' authenticity and hearsay objections to these exhibits or (alternatively) establish a procedure to determine these issues before trial. *See* DE 465.

4. **Page Limit for *In Limine* Motions.** Defendants have sought leave to file three *in limine* motions totaling 250 pages at this time, and an unknown number of *in limine* motions of unknown size at an unknown date sometime before trial. DE 463. Plaintiffs have opposed defendants' request and ask that the Court limit the parties to one *in limine* motion of 50 pages. DE 464.
5. **Schedule for Procedural Pre-Trial Submissions.** As the Court instructed, plaintiffs proposed a schedule to defendants for proceedings in advance of the Court's September 1, 2014 deadline for procedural matters such as a jury questionnaire, requests to charge, plaintiffs' motion for an anonymous jury, and defendants' motion to sever. The parties have agreed to a schedule for all but one of the items:
 - a. **Jury questionnaire:** The parties have agreed that they will provide a joint submission to the Court with regard to a proposed jury questionnaire on July 30.
 - b. **Requests to charge:** The parties have agreed that each side will file requests to charge on July 30 and objections to such requests on August 29.
 - c. **Motion for Anonymous Jury.** Plaintiffs have indicated that they will file a motion for an anonymous jury. The parties have agreed that plaintiffs' motion will be due on July 2; defendants' opposition will be due on July 23; and plaintiffs' reply will be due on July 30.
 - d. **Motion to sever.** Defendants have indicated that they will file a motion to sever. The parties are in partial agreement on this element of the schedule. Plaintiffs have suggested that defendants motion be due on July 9; plaintiffs' opposition be due on July 30; and defendants' reply be due on August 6. Defendants have responded that they agree to this schedule "on the condition that Judge Daniels has ruled on the

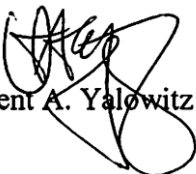
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motion for summary judgment by then.” Plaintiffs do not believe that the schedule should be conditional.

6. **Motion to Substitute.** Nevenka Gritz has filed a motion to substitute to pursue the claims of her deceased husband, Plaintiff Norman Gritz. DE 460. Defendants have not indicated whether they will oppose that motion.
7. **Motions of Prior Counsel to Withdraw.** Two former counsel have filed withdrawal notices. DE 443, 453. Local Civil Rule 1.4 requires leave of Court for counsel to withdraw. Plaintiffs do not oppose these applications.
8. **BBC Documentary.** The BBC’s objections to Judge Ellis’s order remain pending, although the BBC has provided a copy of its 2003 broadcast, “Arafat Investigated,” and it has been designated on plaintiffs’ exhibit list.
9. **Sanctions Motion Before Judge Ellis.** In a pre-motion conference before Judge Ellis on February 10, plaintiffs sought sanctions based on defendants’ repeated violation of the Judge Ellis’ discovery orders concerning documents from the PA’s General Intelligence Service (“GIS”). Judge Ellis stated at the conference: “I’ve already indicated that it was my belief that defendants had not complied in a timely manner with the court’s order. As to what’s going to be an appropriate remedy for that I think as I said to the extent that it involves how Judge Daniels conducts his trial I will have to have further conversations with him.” Hearing Tr. (2/10/14) at 8-9 [Docket Entry 430].

Respectfully,


Kent A. Yalowitz

cc: All ECF Counsel